

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
SOUTHERN DIVISION

----- x  
:  
UNITED STATES OF AMERICA :  
: Criminal No. 19-00096-GJH  
v. :  
: :  
CHRISTOPHER PAUL HASSON, :  
: :  
Defendant. :  
: :  
----- x February 21, 2019

Greenbelt, Maryland

**DETENTION HEARING**

BEFORE: THE MAGISTRATE JUDGE CHARLES B. DAY

APPEARANCES: JENNIFER SYKES, Esq.  
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Proceeding recorded by electronic sound recording, transcript  
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	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
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1                   P R O C E E D I N G S

2                   (Whereupon, at 12:58 p.m., the hearing began.)

3                   THE CLERK: All rise. The United States District  
4 Court for the District of Maryland is now in session, the  
5 Honorable Charles B. Day presiding.

6                   THE COURT: Good afternoon. Please be seated.

7                   THE CLERK: The matter now pending before this Court  
8 is Criminal Case Number GLS19-MJ-063, the United States of  
9 America versus Christopher Paul Hasson. The matter now comes  
10 before this Court for a detention hearing. Counsel, please  
11 identify yourselves for the record.

12                  MS. SYKES: Good afternoon, Your Honor. Jennifer  
13 Sykes, on Behalf of the United States. Also at counsel table  
14 and directly behind counsel table are the case agents. This  
15 is FBI Special Agent Alexandria Thoman, as well as FBI Special  
16 Agent Rachid Harrison, and Coast Guard Investigative Service  
17 Special Agent James Burkett. Good afternoon, sir.

18                  THE COURT: Good afternoon. Welcome.

19                  MS. STELZIG: Good afternoon, Your Honor. Julie  
20 Stelzig, on behalf of Mr. Hasson.

21                  THE COURT: Good afternoon. Welcome all. Give me a  
22 moment.

23                  (Pause)

24                  THE COURT: Okay. This matter is set in for a  
25 detention hearing. The Government has the right to proceed

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1 first. So I will hear first and last from the Government.

2 (Pause)

3 MS. SYKES: May it please the Court.

4 THE COURT: Yes.

5 MS. SYKES: Your Honor, the Government seeks  
6 detention and agrees with the recommendation of the United  
7 States Pretrial Services Office, that there are no conditions  
8 that could be fashioned to assure the safety of the community  
9 based upon the danger that the Defendant poses.

10 And that is outlined in the Government's filing on  
11 Tuesday of this week, which outlines, based upon the evidence  
12 to date, that it reveals that the Defendant is a domestic  
13 terrorist and that even though he is charged in a two-count  
14 complaint for a firearms offense and the possession of a  
15 controlled substance, that that is just the tip of the iceberg  
16 on what has occurred within the investigation by multiple law  
17 enforcement agencies.

18 And what we have seen and what the investigation has  
19 revealed is that the two writings contained in the motion  
20 submitted by the Government show that there is an intent to  
21 murder innocent civilians. There is also letters stated --  
22 which he sent to himself shortly after the Charlottesville  
23 Neo-Nazi Rally; that he identified himself as a white  
24 nationalist for over 30 years and advocated for "focused  
25 violence" to establish a white homeland.

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1           While he was employed with the United States Coast  
2 Guard, he was logging onto his government computer under his  
3 identity, his user name and password, and during work hours,  
4 as verified under that profile; that he was doing a number of  
5 concerning searches, internet searches, Google searches, and  
6 there were a number of manifestos that were on his work  
7 computer that also corroborate what was contained within those  
8 writings by the Defendant.

9           Manifestos including those of Anders Breivik, Ted  
10 Kaczynski, as the Court is aware, the Unabomber, the April  
11 2007 Virginia Tech shooter, Mr. Cho, and Eric Rudolph, also  
12 known as the Olympic Park Shooter, and the bomber who  
13 conducted attacks in the southern part of the United States  
14 back in the late '90s. Specifically, 1996 and 1998.

15           But he spent most of his time pursuing and searching  
16 within the manifestos for Breivik and Rudolph. And what we  
17 know from Breivik's manifesto is that he was a far right  
18 domestic terrorist who committed two coordinated attacks in  
19 Norway leading to the death of 77 Norwegian civilians back a  
20 few years ago.

21           Prior to that incident Breivik spent about three  
22 years producing a detailed manifesto where he embraced the  
23 ideology of crusader in nationalism to counteract what he  
24 termed to be the Islamization of Europe, and he believed that  
25 the immigration of those individuals was a threat to European

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1 countries and that it was facilitated by certain individuals.

2 And this manifesto is very detailed. It goes  
3 through phases that people who want to conduct these type of  
4 attacks should follow, and we saw that this manifesto  
5 paralleled the activity and the conduct of the Defendant. We  
6 know that there are -- frankly, for over several years.

7 He was reading the manifesto at work. He was  
8 conducting internet searches for hours during work in support  
9 of what was outlined in the manifesto. He was preparing and  
10 planning attacks in line with the ideology articulated in this  
11 manifesto, one of the phases being the material acquisition  
12 phase to conduct these types of attacks.

20 And this was contained within the motion, Your  
21 Honor, but at this time I would like to show Government  
22 Exhibit 1.

23 (The photograph referred to was  
24 marked for identification as  
25 Government's Exhibit 1.)

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1 MS. SYKES: Law enforcement executed a search  
2 warrant at the Defendant's residence in February, earlier this  
3 month, and this was a basement apartment in Silver Spring. He  
4 was residing there for about two and a half years with his  
5 wife, and within that apartment law enforcement found all of  
6 these items.

7 There were 15 firearms. As shown in this  
8 photograph, we have some that would be able to take extended  
9 magazines. We have everything from handguns to rifles. There  
10 are also military boxes containing, conservatively, 1,000  
11 rounds of ammunition. And tactical gear. And that is also  
12 part of the manifesto, is how to survive after the attack too.

13 So we have survival gear. We have ballistic vests.  
14 We have plates that could go into these tactical type vests as  
15 well. So we have a number of items that are concerning and  
16 show that the Defendant is in fact a danger to the community.

17 He spent over \$14,000 in gear and equipment and sent  
18 it to his home in Silver Spring, Maryland over that time  
19 period. And this was also to further that manifesto, that  
20 ideology that he had been searching at work.

21 Consistent with the directions of this manifesto,  
22 the Defendant began the process of targeting specific  
23 individuals, including current and former elected officials.  
24 And this is outlined in the motion, how there were different  
25 categories of individuals, category A, B and C. And a review

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1 of the Defendant's activity since January 2017 revealed  
2 targeting indicators consistent with the Breivik instructions.

3 He did internet searches back on -- as outlined in  
4 the motion, earlier this year, and that was in conjunction  
5 with the purchases and additional research on how to conduct a  
6 sniper attack, and these were individuals within the media,  
7 politicians. There was a number of concerning Google searches  
8 that also show the danger that he poses, and those are  
9 outlined specifically on page 12 of the Government's motion.

10 And within these government searches we are seeing,  
11 back on January 17, 2019, the best places to see -- the best  
12 place in D.C. to see congresspeople. Where in D.C. do  
13 congresspeople live. This is also coupled with searches on do  
14 certain people have protection. The whole part of the  
15 manifesto is to attack those targets that don't have  
16 protective details or protective services protecting them day  
17 in and day out, and that was also something that he was  
18 preparing for and researching and trying to understand.

19 So we have the preparation, we have the buying of  
20 the firearms, we have these searches within the manifestos,  
21 the constant reading. This is not an isolated activity. This  
22 is something that is being done for hours on end while he is  
23 at work.

24 This manifesto also talks about steroids and using  
25 steroids as one is preparing for the attacks to build up not

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1 only the mental fortitude to conduct the attack but also how  
2 to get through the attack itself, and this was evidence based  
3 upon when law enforcement searched his residence. They found  
4 a locked container which contained over 30 bottles of HGH or  
5 Human Growth Hormone, a steroid.

6 I would like to show Government Exhibit Number 2.  
7 This was also contained with the Government's motion. But it  
8 shows the level that the steroid accumulation was occurring.

9 (The document referred to was  
10 marked for identification as  
11 Government Exhibit 2.)

12 MS. SYKES: And he also had mapped out different  
13 steroid cycles. They were listed on an Excel workbook within  
14 his government computer. And so, we have firearms purchases,  
15 we have the constant reading and researching of the manifestos  
16 and the ideology, we have this discovery of the steroids and  
17 the steroid use.

18 But then the last part of this is the Tramadol  
19 purchases, and those occurred since at least October 2016.  
20 And this stems from the possession of the controlled  
21 substance, Tramadol, which is a Schedule 4 controlled  
22 substance under the Controlled Substances Act, and those times  
23 when he purchased them online are summarized in the motion.  
24 But at least 4,200 Tramadol 100 milligram pills were purchased  
25 during this time. Most likely from an individual located in

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1 Mexico; brought it from California and then here to his  
2 residence.

3 And not only do we have the purchases of these items  
4 and the tracking of them, but we also have video recording  
5 while he was at work. He was taking pills while seated at his  
6 desk, and when law enforcement arrested him, they were able to  
7 find suspected Tramadol in a bag that he was carrying at the  
8 time of his arrest. And when they searched his workplace they  
9 also found Tramadol, which tested positive for Tramadol  
10 preliminarily with a field kit.

11 And then, as outlined also within the Government's  
12 motion, we have those clean kits that were found. He had  
13 purchased synthetic urine on two occasions back in 2018. So  
14 we have those as showing that he was in fact a user of those.

15 And I would also like to note that in the pretrial  
16 services reported he refused to answer pretrial services'  
17 questions pertaining to any type of substance abuse or  
18 treatment. So again, we are seeing an individual who is a  
19 danger, and based upon all these reasons, Your Honor, we are  
20 seeking his detention pending trial in this matter.

21 THE COURT: Thank you. I will hear from the  
22 Defense.

23 MS. STELZIG: Thank you, Your Honor. Earlier this  
24 week the Government filed its motion for detention and, Your  
25 Honor, that was rather an extraordinary document. And it was

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1       extraordinary both for the histrionic characterization of  
2       Mr. Hasson, accusing him, in its first sentence, of intending  
3       to murder innocent civilians on a scale rarely seen in this  
4       country. That was the opening line, Your Honor. Those are  
5       very serious words. Even more extraordinary was the lack of  
6       actual substance backing up these broad, sweeping assertions.

7               Now, Your Honor, it seems to me that the Government  
8       filed this very inflammatory document in order to bring  
9       enormous media attention to this case. It has obviously  
10       worked. And to bring pressure on this Court to detain  
11       Mr. Hasson.

12               And while I will say that as a citizen it is  
13       disquieting to see how the media has taken this one single  
14       document filed by the Government and skewed its contents in  
15       various ways, that was presumably part of the purpose. But  
16       fortunately for Mr. Hasson, what is going to decide whether he  
17       gets detained or released while he fights these charges is the  
18       rule of law in this courthouse.

19               And this Court, as I know it will, needs to assess  
20       the standards under the Bail Reform Act, and here the burden  
21       is on the Government to prove, by clear and convincing  
22       evidence, that there is no set of conditions that can  
23       reasonably assure the safety of the community. And I want to  
24       pause here because this is significant. This is not a  
25       presumption case for the Government.

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1           This is a case in which the Bail Reform Act says  
2 there is a presumption of release for Mr. Hasson, and that is  
3 because, if we look at the crimes for which he is actually  
4 charged, he is charged with possession of a firearm by someone  
5 who is either an addict or an unlawful user of a controlled  
6 substance.

7           Now, this is a very little used provision of the Gun  
8 Control Act. The act contains no definition of what an  
9 unlawful user of a controlled substance is, and this is a  
10 provision of the Gun Control Act that the Supreme Court has  
11 not had an opportunity to review since issuing its decision in  
12 Heller.

13           But be that as it may, that offense carries a  
14 10-year maximum penalty, and Mr. Hasson's guidelines, if he  
15 were convicted of that offense, would only be 10 to 16 months  
16 because he has no prior criminal history at all.

17           The other charge that he has by complaint, not by  
18 indictment, the other charge that he has is a misdemeanor  
19 possession of Tramadol, which is a synthetic opioid  
20 prescription pain killer. Those are the charges. Neither of  
21 those carry a presumption of detention.

22           And if we look at Mr. Hasson and his history, he is  
23 49 years old. He has dedicated his entire life to serving his  
24 country. He was active duty in the Marines, he served in the  
25 Army National Guard and he has been in the Coast Guard for 28

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1 years, and he has consistently risen in the ranks and he has  
2 earned -- he has gone from an enlisted to the highest rank of  
3 junior officer available in the Coast Guard, the title of  
4 lieutenant.

5 And throughout his life, in all of the communities  
6 where he has lived, he has volunteered in the community, he  
7 has helped out others and he has been a loving and supportive  
8 husband and father. So, if we were looking at Mr. Hasson and  
9 looking at the charges that he has actually been charged with,  
10 there is no way that he would be detained under those  
11 standards in the Bail Reform Act, and that is why the  
12 Government filed this document on Tuesday.

13 Now, this 15-page document is throwing a whole bunch  
14 of stuff up against the wall and hoping that something sticks.  
15 But I want us to take a few minutes and slow down and look at  
16 the actual acts that the Government is alleging. Now, these  
17 are things that the Government is alleging. These are not  
18 sworn statements like the charges in the complaint.

19 So the Government first asserts that Mr. Hasson has  
20 "espoused extremist views for years." In support of that the  
21 Government cites at length, but not completely but at length,  
22 two documents that it says it found on Mr. Hasson's work  
23 computer.

24 One it says is a deleted draft email. So even by  
25 the Government's account, this is a document that they say

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1 Mr. Hasson drafted two years ago and then deleted. They are  
2 not saying he sent it to anybody, posted it to anyone, did  
3 anything with it.

4 And this document, Your Honor -- Your Honor has it.  
5 It is quoted extensively in the motion. It goes on about a  
6 variety of topics, including a task list of things to do in  
7 the next four years that includes things such as get out of  
8 debt, buy a van, get land. I don't know. That is the level  
9 of specificity we are seeing in that particular document.

10 The other document the Government cites to is a  
11 draft letter that they say is from September 2017, and they  
12 are saying this was a letter that was drafted to a now  
13 deceased white separatist, Harold Covington. Now, the  
14 Government focuses on a single line from that, a sort of  
15 secondhand reference to focused violence.

16 Omitted from the Government's lengthy citation  
17 though are discussions about either running for sheriff or  
18 becoming a member of town council as a way to effect change in  
19 the community. So they have those two draft documents that  
20 they say Mr. Hasson wrote at some point.

21 Then the Government cites online searches and  
22 "thousands of visits" to sites that they characterize over a  
23 period of two years as being "pro-Russian, neo-fascist and  
24 neo-Nazi literature." Now, Your Honor, I don't know what that  
25 is supposed to mean. The Government doesn't explain exactly

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1 what those websites mean or how they are defining those terms,  
2 but that is it.

3                   And then the last thing that they say to support its  
4 view that Mr. Hasson espouses extremist views is that he was  
5 routinely perusing this 1,500-page manifesto of Anders  
6 Breivik. Now, Your Honor, the Government spends about a  
7 quarter of its 15 pages talking about the ideology of Anders  
8 Breivik.

9                   He is not in this courtroom, and so, whatever Anders  
10 Breivik wrote in his 1,500 pages is, frankly, beside the  
11 point. But there is a lot of stuff in that 1,500 pages, and  
12 in spite of the Government saying that Mr. Hasson was  
13 routinely perusing it, the only two instances that they  
14 actually cite in their motion are two searches on a single  
15 date. January 3rd, 2019.

16                   The Government yet grabs on to that and says that  
17 Mr. Hasson has been following this manifesto and using it as a  
18 guidebook for how to conduct, I guess, what they are going to  
19 characterize as a lone wolf attack. So they are trying to  
20 say, okay, here is this guidebook and we are going to find a  
21 couple of things in these 1,500 pages that we think Mr. Hasson  
22 has been doing and try to say that he is somehow following  
23 this manifesto.

24                   What of the three things that they are saying he is  
25 doing according to Mr. Breivik? Well, number one is they are

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1 saying he is stockpiling weapons, and you see the Government  
2 -- they attach this picture in their motion, and they showed  
3 it here again in court today.

4 There are 15 guns, they are mostly rifles, and  
5 about, they are saying conservatively, 1,000 rounds of  
6 ammunition. Now, I suppose the size of that gun collection is  
7 in the eye of the beholder. Perhaps here in the suburbs of  
8 Washington, D.C. that seems like a large number of guns.

9 But given that the most recent statistics show that  
10 there are approximately 363 million firearms in this country  
11 that are owned by approximately 42 percent of the households,  
12 that means that the average gun owner has eight guns in his or  
13 her possession. And I can assure Your Honor that there are  
14 people in many, many parts of this country for whom this  
15 collection of guns would be, you know, modest at best.

16 And as for the 1,000 rounds of ammunition, Your  
17 Honor, for people who are in the military, for people who are  
18 members of law enforcement or for people who are simply gun  
19 enthusiasts, it is easy to go through 1,000 rounds of  
20 ammunition in a day or two at the shooting range. So there is  
21 not anything I am seeing in here that shows that he was  
22 stockpiling weapons.

23 The Government says over a period of time ending  
24 more than a year and a half ago. I am sorry. Ending sometime  
25 last year, that he was accumulating a number of firearms.

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1 Again, no connection to Mr. Breivik, other than the  
2 Government's speculation.

3 The second thing that the Government tries to tie to  
4 this manifesto is targeting individuals. Now, they cite to  
5 the fact that he searched for this category A of individuals  
6 that Mr. Breivik again wrote in this 1,500 pages, and they say  
7 that because there was an Excel spreadsheet that had a list of  
8 names of individuals, that somehow that was, I guess, is  
9 supposed to be a hit list.

10 Your Honor, at best there are very -- the searches  
11 that the Government cites in its motion, where do members  
12 live, where are the best places to see members of congress in  
13 D.C., these are not the type of plans that you would expect to  
14 see from someone who the Government is accusing of planning a  
15 terrorist attack. This isn't even close.

16 This list of individuals doesn't have particulars  
17 about the person. It doesn't say where they live, it doesn't  
18 have routes they travel to work, it doesn't have any plans.  
19 There is no communication with others. There is no schedule.  
20 There is nothing.

21 And for all the specificity that they are saying is  
22 in Mr. Breivik's manifesto, we see nothing even close to that  
23 in the motion that the Government has filed.

24 Now, the last thing, Your Honor, that the Government  
25 cites as evidence that Mr. Hasson is supposedly following this

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1 manifesto is this reference to steroids. And again, one of  
2 the two searches that they are alleging Mr. Hasson made is for  
3 the word steroids.

4 Now, the Government then pulls out this -- again,  
5 there are other pictures. This box that has some bottles  
6 that, at least as far as I can tell, have expiration dates  
7 that were two years before the date of this supposed search  
8 and the manifesto. But even setting that aside, human growth  
9 hormone is not a steroid, Your Honor. So I am not sure what  
10 point they are trying to make, but this is certainly -- there  
11 is no evidence that this is in any way connected to whatever  
12 Mr. Breivik had to say about steroids.

13 Even more attenuated, Your Honor, is their  
14 suggestion that somehow Mr. Hasson's alleged possession of  
15 Tramadol is in any way connected to this manifesto. The  
16 Government tries to assert that this is evidence of the  
17 Government -- I am sorry. Of Mr. Hasson stockpiling resources  
18 to begin the process of taking narcotics in order to increase  
19 his ability to conduct attacks. That is the Government's  
20 assertion.

21 Your Honor, first of all, narcotics, the definition  
22 of a narcotic, is a drug that has sleep inducing properties.  
23 So if someone is really planning a mass terrorist attack,  
24 stockpiling narcotics and taking narcotics would seem to be at  
25 odds with that goal.

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1                   Now, notably absent from the Government's motion,  
2 Your Honor, is any actual indication of a plan of any sort,  
3 and even if we take everything that the Government says is  
4 true, which we don't, but even if we were, it is not a crime  
5 to think negative thoughts about people. It is not a crime to  
6 write hostile things about other people, and it is not a crime  
7 to write about doomsday scenarios.

8                   And, Your Honor, we are not yet a country that  
9 criminalizes people for their thoughts. Even darkest  
10 thoughts. We are not a country that arrest people for  
11 expressing beliefs, even if they are disfavored, and we are  
12 not yet a country that detains people for their internet  
13 searches or deleted documents.

14                   Now, this motion was drafted to create attention.  
15 Make no mistake about it. And perhaps that attention was to  
16 deflect some of the criticism the FBI has faced for targeting  
17 its terrorism investigations on Muslim Americans. Perhaps now  
18 they can say, look, we are not targeting only Muslims anymore.  
19 Perhaps this attention was sought to poison the well for  
20 Mr. Hasson so the media could judge before he is even indicted  
21 for any crimes, let alone terrorism charges, or to poison the  
22 well for any future jury pool.

23                   Because again, make no mistake about it, even though  
24 the headlines are saying that he has been charged with crimes  
25 of domestic terrorism, he has not. He has been charged with a

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1 gun offense and a misdemeanor drug offense. That is all.

2 Mr. Hasson denies each and every one of the  
3 Government's allegations. But even if everything in the  
4 Government's motion were true, the Government still would not  
5 have met its burden, its heavy burden under the Bail Reform  
6 Act, to detain Mr. Hasson.

7 Now, the Government -- the threats the Government  
8 outlines as the reasons for detaining Mr. Hasson are the guns,  
9 his internet searches and his possession of drugs. All of  
10 those can be addressed. If the Court finds that those are  
11 concerns, they can all be addressed with fashioning  
12 conditions.

13 The guns that were in the apartment were seized.  
14 There can be an order not to obtain any firearms. That is  
15 routinely done in this court. As for the internet, if we are  
16 concerned about his internet searches, again, as we often do  
17 in cases, we can say no access to the internet. If we are  
18 concerned about possession of prescription drugs without a  
19 prescription, it is easy enough to say don't possess any drugs  
20 without a prescription and we are going to submit you to drug  
21 testing.

22 Those conditions are adequate to address any  
23 legitimate concerns the Government has about safety to the  
24 community.

25 And flight risk. The Government doesn't even rely

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1 on flight risk, nor could it. So really, we are just talking  
2 about the danger to the community, and again, those can be  
3 addressed adequately by conditions and that is what the Bail  
4 Reform Act requires.

5 Mr. Hasson has been a committed public servant his  
6 entire adult life. He has never before been charged with a  
7 crime, and the actual crimes that he has been charged with are  
8 not crimes of violence and they do not carry significant jail  
9 time. So any perceived danger that Mr. Hasson might impose on  
10 the community has to be based on the actual facts, not on  
11 inuendo that is contained in the Government's motion.

12 We are asking that Mr. Hasson be released back home  
13 to his wife and that the Court set conditions along the lines  
14 that we discussed.

15 Now, the pretrial services report doesn't provide  
16 much in the way of detail, but I am happy to address the  
17 particular issues there. But it is pretty much -- it seems to  
18 be relying on the nature of the -- not of the charges, but of  
19 the allegations laid out in the motion.

20 THE COURT: Fair enough. Thank you.

21 MS. STELZIG: Thank you, Your Honor.

22 THE COURT: The Government has the burden. I will  
23 give the Government the last opportunity.

24 MS. SYKES: Thank you, Your Honor. The Government  
25 agrees that it is not a crime to say negative things about

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1 people. But when we look at the totality of the circumstances  
2 that are apparent here and the planning and preparation and  
3 the detailed research that went into what was found and  
4 discovered by law enforcement to date, that is what is  
5 concerning. That is what is dangerous to the Government and  
6 from the Government's perspective.

7 And it is rightly so that this gun collection --  
8 that many people do have guns in the United States and do have  
9 large gun collections in some parts of our country. But what  
10 is concerning is that we have these purchases that are being  
11 done mostly in 2017 and 2018.

12 But when you pair that with additional searches that  
13 are being done by the Defendant around that same time where he  
14 is researching different gun parts, as well as -- this is the  
15 chain of Bing searches that he is doing. Why do liberals vote  
16 for more government control? Where do senators live in D.C.?  
17 Do senators have secret service protection? Are Supreme Court  
18 justices protected? Are rifle scopes illegal? Are rifle  
19 scopes illegal in Europe? How probable to ban semi-autos?  
20 Long range rifle ranges near me.

21 So we are seeing this all embedded in one conduct.  
22 This is not a separate and apart type of activity and conduct.  
23 This is all in line with the manifesto. He is following the  
24 phases. It is detailed and it is purposeful, and that is  
25 exactly what he is doing over 2017 until earlier this year,

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1 until he was arrested.

2 Now, Tramadol is not in the manifesto. In fact,  
3 that is not even included there, and that is why he even wrote  
4 in one of his letters that he needs to come off TDL, Tramadol,  
5 so that he can clear his head. That is not a part of what  
6 Breivik was communicating to folks that were trying to do  
7 these type of violent activities.

8 And lastly, the Government disagrees that the  
9 Defendant can be released to his apartment. That is the same  
10 location where he had all of these items amassed and stored,  
11 and we believe this is not an appropriate location if the  
12 Court is considering release. We do not believe that is an  
13 appropriate location for him to be released to at this time.

14 THE COURT: Thank you.

15 MS. SYKES: Thank you, Your Honor.

16 THE COURT: Give me a moment. Let me review my  
17 notes.

18 (Pause)

19 THE COURT: The Bail Reform Act requires the Court  
20 to look at a number of factors, including the first, which is  
21 the nature and circumstance of the offense charged. The  
22 Defense wins that argument because, as we sit here today, as  
23 Defense counsel eloquently argued, there are only two  
24 allegations. One being a misdemeanor and the other being a  
25 felony.

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1           It is not a charge -- neither are charges which  
2 carry with it the presumption of detention, which the  
3 Government is often the beneficiary of, and as has been  
4 stated, the Defense is the beneficiary of the presumption of  
5 release. The second factor is the weight of the evidence.  
6 That weight is in favor of the Government as it relates to the  
7 charges made, and it is a rather strong weight with respect to  
8 uncharged conduct, which the Court is permitted to consider.

9           I do not need to go through the recitation as made  
10 by the Government, but this information that has come to the  
11 Government has come by way of search warrants of the home,  
12 search warrants of computers; an impressive collection of law  
13 enforcement work.

14           The third category is a hodge-podge of a number of  
15 factors, which I do not have enough information to speak to  
16 every one of them, but I do give the benefit to the Defendant  
17 of his ties to the community, his longstanding employment and  
18 his lack of a criminal history. I have very little  
19 information with respect to his physical and mental condition,  
20 but if the Government's version is to be believed, there is  
21 some concern here about his use of Tramadol.

22           Also in that same category is the question of  
23 whether the accused is under court supervision at this time,  
24 and he is not. That weighs in favor of the accused.

25           And then the fourth category, all of which is

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1 written on the presumption of innocence canvas, is the nature  
2 and seriousness of the danger to any person or the community.  
3 This is where the Government is laying its hat. The  
4 Government rightfully does not seek detention on a risk of  
5 flight prong. It is only a dangerousness question.

6 The Defense's opening remark goes to the  
7 Government's opening remark, and both are very spot-on. The  
8 Government files the motion for detention with a very strong  
9 opening line. The Defense says that the Government has  
10 nothing to back that up, that it is really an effort to drum  
11 up media interest and potentially to influence this Court. I  
12 don't know about the former, but I can assure you the second  
13 does not apply here.

14 It is unrebutted that Mr. Hasson has served his  
15 country for 28 years. But the Government brings to the table  
16 here the question of dangerousness that, standing alone, would  
17 entitle the Defendant to release. But even if this were a  
18 state court proceeding, there would be the notion of someone  
19 taking a substantial step in furtherance of criminal activity,  
20 even if it has not occurred.

21 This is all about the Defendant's state of mind and  
22 intentions. He had a lot of weapons, most of which do not  
23 appear to be hunting weapons. But I cannot say that his  
24 possession of those weapons is otherwise illegal. There are  
25 gun collectors. He may be one of them.

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1           But what drives the Government's concern is what  
2 also gives the Court pause. The Defense says that basically  
3 this is a charge with the absence of a plan. It is only about  
4 potentially negative thoughts. The Government says the plan  
5 is the manifesto issued by Mr. Breivik some time ago.

6           With respect to the Government's filing of the  
7 motion itself, it is a double edged sword. If the Defense is  
8 correct, that it is merely being filed here to color the  
9 proceedings against the accused, that is one thing.

10           But if the Government had intentions of presenting  
11 this information to seek his detention and had not filed this  
12 document, it could be accused of trying to blindside the  
13 Defense by rolling all of this information out here at this  
14 hearing with no opportunity to at least consider and prepare  
15 for it, and I admit the Defense has done a good job with  
16 respect to arguing against the Government's motion.

17           I do find that the list of individuals that have  
18 been identified by the Government and the type of activities  
19 involved here is exactly the kind of concern that this Court  
20 should have.

21           I am concerned about the Defendant's ability to  
22 defeat controls. That is, he has done that with respect to  
23 the use of his computers at work as alleged, his alleged  
24 acquisition of substances outside of the United States,  
25 contrary to the prescription policies of the United States,

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1 the alleged possession of synthetic urine and application  
2 device, and I dare say that any of these activities standing  
3 alone would not overcome the statutory presumption of release.  
4 Here they do.

5 The Government references a letter in which the  
6 Defendant supposedly spoke of acquiring residences and places  
7 to hide items and a plan of escape according to this  
8 manifesto, whatever. It seems to be going according to  
9 script.

10 Even HGH, whether a steroid or not, it is common  
11 knowledge that these substances that are so classified for the  
12 sole purpose of athletic or physical enhancement, that falls  
13 in line with the supposed script that the Government alludes  
14 to.

15 So my ruling comes with a caveat. The ruling is  
16 that I find that the Government has met its burden by clear  
17 and convincing evidence that Mr. Hasson is a danger. The  
18 caveat is that I am giving the Government 14 days in the  
19 absence of charging Mr. Hasson with any of the assorted  
20 criminal activity that they allude to and have argued here  
21 today about.

22 I invite the Defense to come back, and at that time  
23 I very well may limit my consideration of these extra  
24 activities to whatever it is that the accused is facing by way  
25 of a trial in this court.

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1           If I could have your indulgence for a moment.

2           (Long pause.)

3           THE COURT: Is there anything further from the  
4 Government?

5           MS. SYKES: No, thank you. Not at this time, Your  
6 Honor.

7           THE COURT: Before I ask the Defense, let me find  
8 out. Since this is a criminal complaint that was filed, I  
9 assume we need to set an arraignment date. Is that correct?

10          MS. STELZIG: Your Honor, at his initial appearance  
11 we received a preliminary hearing date. So I think that is  
12 all we need at this time. But thank you.

13          THE COURT: Okay. Thank you. Anything further from  
14 the Defense?

15          MS. STELZIG: Nothing. Thank, Your Honor.

16          THE COURT: Thank you all. I wish you well.

17          (Whereupon, at 1:43 p.m., the hearing was concluded.)

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C E R T I F I C A T E

I hereby certify that the foregoing is a correct transcript from the duplicated electronic sound recording of the proceedings in the above-entitled matter.

*Fabiana Barham* 03-12-19

Fabiana E. Barham Date  
Certified Transcriber, CompuScribe  
Certification No.: CET\*\*213